

# SENATE MOTION

MR. PRESIDENT:

**I move** that Engrossed House Bill 1001 be amended to read as follows:

Page 129, between lines 47 and 48, begin a new paragraph and insert:

SECTION 104. IC 22-3-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.

(a) After an injury and prior to an adjudication of permanent impairment, the employer shall furnish or cause to be furnished, free of charge to the employee, an attending physician for the treatment of his injuries, and in addition thereto such surgical, hospital and nursing services and supplies as the attending physician or the worker's compensation board may deem necessary. If the employee is requested or required by the employer to submit to treatment outside the county of employment, the employer shall also pay the reasonable expense of travel, food, and lodging necessary during the travel, but not to exceed the amount paid at the time of the travel by the state to its employees under the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(b) During the period of temporary total disability resulting from the injury, the employer shall furnish the physician services, and supplies, and the worker's compensation board may, on proper application of either party, require that treatment by the physician and services and supplies be furnished by or on behalf of the employer as the worker's compensation board may deem reasonably necessary.

**(c) No representative of the employer or insurance carrier, including case managers or rehabilitation nurses, may be present at any treatment of an injured employee without the express written consent of the employee and the treating medical personnel. At the time of any medical treatment that a representative of the employer wishes to attend, the representative of the employer shall inform the injured employee and treating medical personnel that their written consent is required before the attendance of the employer's representative. The employee's compensation and benefits may not be jeopardized in any way due to the employer's failure or refusal to complete a written waiver allowing the attendance of the employer's representative. The employer's representative may not in any way cause the employee to believe that the employee's compensation and benefits will be terminated if the employee fails or refuses to complete a written waiver allowing the attendance of the employer's representative. The written waivers shall be executed on forms prescribed by the board.**

**(d)** After an employee's injury has been adjudicated by agreement or award on the basis of permanent partial impairment and within the statutory period for review in such case as provided in section 27 of this chapter, the employer may continue to furnish a physician or surgeon and other medical services and supplies, and the worker's compensation board may within the statutory period for review as provided in section 27 of this chapter, on a proper application of either party, require that treatment by that physician and other medical services and supplies be furnished by and on behalf of the employer as the worker's compensation board may deem necessary to limit or reduce the amount and extent of the employee's impairment. The refusal of the employee to accept such services and supplies, when provided by or on behalf of the employer, shall bar the employee from all compensation otherwise payable during the period of the refusal, and his right to prosecute any proceeding under IC 22-3-2 through IC 22-3-6 shall be suspended and abated until the employee's refusal ceases. The employee must be served

with a notice setting forth the consequences of the refusal under this section. The notice must be in a form prescribed by the worker's compensation board. No compensation for permanent total impairment, permanent partial impairment, permanent disfigurement, or death shall be paid or payable for that part or portion of the impairment, disfigurement, or death which is the result of the failure of the employee to accept the treatment, services, and supplies required under this section. However, an employer may at any time permit an employee to have treatment for his injuries by spiritual means or prayer in lieu of the physician or surgeon and other medical services and supplies required under this section.

(~~d~~) (e) If, because of an emergency, or because of the employer's failure to provide an attending physician or surgical, hospital, or nursing services and supplies, or treatment by spiritual means or prayer, as required by this section, or because of any other good reason, a physician other than that provided by the employer treats the injured employee during the period of the employee's temporary total disability, or necessary and proper surgical, hospital, or nursing services and supplies are procured within the period, the reasonable cost of those services and supplies shall, subject to the approval of the worker's compensation board, be paid by the employer.

(~~e~~) (f) Regardless of when it occurs, where a compensable injury results in the amputation of a body part, the enucleation of an eye, or the loss of natural teeth, the employer shall furnish an appropriate artificial member, braces, and prosthodontics. The cost of repairs to or replacements for the artificial members, braces, or prosthodontics that result from a compensable injury pursuant to a prior award and are required due to either medical necessity or normal wear and tear, determined according to the employee's individual use, but not abuse, of the artificial member, braces, or prosthodontics, shall be paid from the second injury fund upon order or award of the worker's compensation board. The employee is not required to meet any other requirement for admission to the second injury fund.

(~~f~~) (g) If an accident arising out of and in the course of employment after June 30, 1997, results in the loss of or damage to an artificial member, a brace, an implant, eyeglasses, prosthodontics, or other medically prescribed device, the employer shall repair the artificial member, brace, implant, eyeglasses, prosthodontics, or other medically prescribed device or furnish an identical or a reasonably equivalent replacement.

(~~g~~) (h) This section may not be construed to prohibit an agreement between an employer and the employer's employees that has the approval of the board and that binds the parties to:

- (1) medical care furnished by health care providers selected by agreement before or after injury; or
- (2) the findings of a health care provider who was chosen by agreement.

SECTION 105. IC 22-3-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6.

(a) After an injury and during the period of claimed resulting disability or impairment, the employee, if so requested by the employee's employer or ordered by the industrial board, shall submit to an examination at reasonable times and places by a duly qualified physician or surgeon designated and paid by the employer or by order of the worker's compensation board. The employee shall have the right to have present at any such examination any duly qualified physician or surgeon provided and paid for by the employee. No fact communicated to, or otherwise learned by, any physician or surgeon who may have attended or examined the employee, or who may have been present at any examination, shall be privileged, either in the hearings provided for in IC 22-3-2 through IC 22-3-6, or in any action at law brought to recover damages against any employer who is subject to the compensation provisions of IC 22-3-2 through IC 22-3-6. If the employee refuses to submit to or in any way obstructs such examinations, the employee's right to compensation and his right to take or prosecute any proceedings under IC 22-3-2 through IC 22-3-6 shall be suspended until such refusal or obstruction ceases. No compensation shall at any time be payable for the period of suspension unless in the opinion of the worker's compensation board the circumstances justified the refusal or obstruction. The employee must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the board.

(b) Any employer requesting an examination of any employee residing within Indiana shall pay, in advance of the time fixed for the examination, sufficient money to defray the necessary expenses of travel by the most convenient means to and from the place of examination, and the cost of meals and lodging necessary during the travel. If the method of travel is by automobile, the mileage rate to be paid by the employer shall be the rate currently being paid by the state to its employees under the state travel policies and procedures established by the department of administration and approved by the budget agency. If such examination or travel to or from the place

of examination causes any loss of working time on the part of the employee, the employer shall reimburse the employee for such loss of wages upon the basis of the employee's average daily wage. When any employee injured in Indiana moves outside Indiana, the travel expense and the cost of meals and lodging necessary during the travel payable under this section shall be paid from the point in Indiana nearest to the employee's then residence to the place of examination. No travel and other expense shall be paid for any travel and other expense required outside Indiana.

(c) A duly qualified physician or surgeon provided and paid for by the employee may be present at an examination if the employee so desires. In all cases where the examination is made by a physician or surgeon engaged by the employer and the injured employee has no physician or surgeon present at such examination, it shall be the duty of the physician or surgeon making the examination to deliver to the injured employee, or the employee's representative, a statement in writing of the conditions evidenced by such examination. The statement shall disclose all facts that are reported by such physician or surgeon to the employer. Such statement shall be furnished to the employee or the employee's representative, as soon as practicable, but not later than thirty (30) days before the time the case is set for hearing. The statement may be submitted by either party as evidence by that physician or surgeon at a hearing before the worker's compensation board if the statement meets the requirements of subsection ~~(e)~~ (f). If such physician or surgeon fails or refuses to furnish the employee or the employee's representative with such statement thirty (30) days before the hearing, then the statement may not be submitted as evidence, and such physician or surgeon shall not be permitted to testify before the worker's compensation board as to any facts learned in such examination. All of the requirements of this subsection apply to all subsequent examinations requested by the employer.

**(d) No representative of the employer or insurance carrier, including case managers or rehabilitation nurses, may be present at any examination of an injured employee without the express written consent of the employee and the treating medical personnel. At the time of any medical examination that a representative of the employer wishes to attend, the representative of the employer shall inform the injured employee and treating medical personnel that their written consent is required before the attendance of the employer's representative. The employee's compensation and benefits may not be jeopardized in any way due to the employer's failure or refusal to complete a written waiver allowing the attendance of the employer's representative. The employer's representative may not in any way cause the employee to believe that the employee's compensation and benefits will be terminated if the employee fails or refuses to complete a written waiver allowing the attendance of the employer's representative. The written waivers shall be executed on forms prescribed by the board.**

~~(d)~~ (e) In all cases where an examination of an employee is made by a physician or surgeon engaged by the employee, and the employer has no physician or surgeon present at such examination, it shall be the duty of the physician or surgeon making the examination to deliver to the employer or the employer's representative a statement in writing of the conditions evidenced by such examination. The statement shall disclose all facts that are reported by such physician or surgeon to the employee. Such statement shall be furnished to the employer or the employer's representative as soon as practicable, but not later than thirty (30) days before the time the case is set for hearing. The statement may be submitted by either party as evidence by that physician or surgeon at a hearing before the worker's compensation board if the statement meets the requirements of subsection ~~(e)~~ (f). If such physician or surgeon fails or refuses to furnish the employer, or the employer's representative, with such statement thirty (30) days before the hearing, then the statement may not be submitted as evidence, and such physician or surgeon shall not be permitted to testify before the industrial board as to any facts learned in such examination. All of the requirements of this subsection apply to all subsequent examinations made by a physician or surgeon engaged by the employee.

~~(e)~~ (f) All statements of physicians or surgeons required by this section, whether those engaged by employee or employer, shall contain the following information:

- (1) The history of the injury, or claimed injury, as given by the patient.
- (2) The diagnosis of the physician or surgeon concerning the patient's physical or mental condition.
- (3) The opinion of the physician or surgeon concerning the causal relationship, if any, between the injury and the patient's physical or mental condition, including the physician's or surgeon's reasons for the opinion.

(4) The opinion of the physician or surgeon concerning whether the injury or claimed injury resulted in a disability or impairment and, if so, the opinion of the physician or surgeon concerning the extent of the disability or impairment and the reasons for the opinion.

(5) The original signature of the physician or surgeon.

Notwithstanding any hearsay objection, the worker's compensation board shall admit into evidence a statement that meets the requirements of this subsection unless the statement is ruled inadmissible on other grounds.

~~(f)~~ (g) Delivery of any statement required by this section may be made to the attorney or agent of the employer or employee and such action shall be construed as delivery to the employer or employee.

~~(g)~~ (h) Any party may object to a statement on the basis that the statement does not meet the requirements of subsection ~~(e)~~ (f). The objecting party must give written notice to the party providing the statement and specify the basis for the objection. Notice of the objection must be given no later than twenty (20) days before the hearing. Failure to object as provided in this subsection precludes any further objection as to the adequacy of the statement under subsection ~~(e)~~ (f).

~~(h)~~ (i) The employer upon proper application, or the worker's compensation board, shall have the right in any case of death to require an autopsy at the expense of the party requesting the same. If, after a hearing, the worker's compensation board orders an autopsy and such autopsy is refused by the surviving spouse or next of kin, then any claim for compensation on account of such death shall be suspended and abated during such refusal. The surviving spouse or dependent must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's compensation board. No autopsy, except one performed by or on the authority or order of the coroner in the discharge of the coroner's duties, shall be held in any case by any person, without notice first being given to the surviving spouse or next of kin, if they reside in Indiana or their whereabouts can reasonably be ascertained, of the time and place thereof, and reasonable time and opportunity given such surviving spouse or next of kin to have a representative or representatives present to witness same. However, if such notice is not given, all evidence obtained by such autopsy shall be suppressed on motion duly made to the worker's compensation board.

SECTION 106. IC 22-3-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) With respect to injuries in the following schedule occurring prior to April 1, 1951, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of fifty-five percent (55%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1951, and prior to July 1, 1971, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after July 1, 1971, and before July 1, 1977, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred dollars (\$100) average weekly wages, for the periods stated for the injuries. With respect to injuries in the following schedule occurring on and after July 1, 1977, and before July 1, 1979, the employee shall receive, in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injury, a weekly compensation of sixty percent (60%) of his average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury. With respect to injuries in the following schedule occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not to exceed fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury. With respect to injuries in the following schedule occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

With respect to injuries in the following schedule occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks

on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, and for loss occurring before April 1, 1959, by separation of the foot below the knee joint one hundred fifty (150) weeks and of the leg above the knee joint two hundred (200) weeks; for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(b) With respect to injuries in the following schedule occurring prior to April 1, 1951, the employee shall receive in lieu of all other compensation on account of the injuries, a weekly compensation of fifty-five percent (55%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1951, and prior to April 1, 1955, the employee shall receive in lieu of all other compensation on account of the injuries a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1955, and prior to July 1, 1971, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after July 1, 1971, and before July 1, 1977, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred dollars (\$100) average weekly wages, for the period stated for such injuries respectively. With respect to injuries in the following schedule occurring on and after July 1, 1977, and before July 1, 1979, the employee shall receive, in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury. With respect to injuries in the following schedule occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on

account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages for the period stated for the injury. With respect to injuries in the following schedule occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

With respect to injuries in the following schedule occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Loss of use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid for the same period as for the loss thereof by separation.

(2) Partial loss of use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(3) For injuries resulting in total permanent disability, five hundred (500) weeks.

(4) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (a)(3), compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then in such event compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses, plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (a)(4), compensation shall be paid for a period proportional to the degree of such permanent reduction.

(6) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(7) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(c) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees

of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (d) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (a)(3), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (a)(4), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision

where compensation is payable elsewhere in this section.

(d) Compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the injury determined under subsection (c) and the following:

(1) With respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to injuries occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to injuries occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to injuries occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to injuries occurring on and after July 1, 1999, **and before July 1, 2000**, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

**(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), nine hundred fifty dollars (\$950) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand four hundred fifty dollars (\$1,450) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand eight hundred dollars (\$1,800) per degree; for each degree of permanent impairment above fifty (50), two thousand six hundred dollars (\$2,600) per degree.**

**(8) With respect to injuries occurring on and after July 1, 2001, and before July 1, 2002, for each degree of permanent impairment from one (1) to ten (10), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand eight hundred fifty dollars (\$1,850) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of**

permanent impairment above fifty (50), three thousand four hundred dollars (\$3,400) per degree.  
 (9) With respect to injuries occurring on and after July 1, 2002, for each degree of permanent impairment from one (1) to ten (10), one thousand fifty dollars (\$1,050) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand five hundred dollars (\$3,500) per degree; for each degree of permanent impairment above fifty (50), four thousand four hundred dollars (\$4,400) per degree.

(e) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (c) and (d) shall not exceed the following:

- (1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).
- (2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- (3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).
- (4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).
- (5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).
- (6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- (7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).
- (8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).
- (9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred seven dollars (\$807).**
- (10) With respect to injuries occurring on or after July 1, 2002, eight hundred forty dollars (\$840).**

SECTION 107. IC 22-3-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.

13. (a) If an employee who from any cause, had lost, or lost the use of, one (1) hand, one (1) arm, one (1) foot, one (1) leg, or one (1) eye, and in a subsequent industrial accident becomes permanently and totally impaired by reason of the loss, or loss of use of, another such member or eye, the employer shall be liable only for the compensation payable for such second injury. However, in addition to such compensation and after the completion of the payment therefor, the employee shall be paid the remainder of the compensation that would be due for such total permanent impairment out of a special fund known as the second injury fund, and created in the manner described in subsection (b).

(b) **Whenever in the discretion of the chairman of the worker's compensation board it is necessary to perform an assessment in order to ensure that fund beneficiaries, including applicants under IC 22-3-3-4(e), continue to receive compensation in a timely manner for a reasonable prospective period, the board shall send notice to all insurance carriers insuring employers who are or may be liable under this article to pay compensation for personal injuries to or death of their employees under this article and to all employers carrying the employer's own risk stating that an assessment is necessary.** Every insurance carrier insuring employers who are or may be liable under this article to pay compensation for personal injuries to or death of their employees under this article and every employer carrying the employer's own risk, ~~shall, on or before April 10 of each year, within thirty (30) days of the board's mailing of notice that an assessment is necessary,~~ pay to the worker's compensation board for the benefit of said fund, a sum ~~equal to one percent (1%)~~ **not to exceed three percent (3%)** of the total amount of all worker's compensation paid to injured employees or their beneficiaries under IC 22-3-2 through IC 22-3-6 for the calendar year next preceding the due date of such payment. **Compensation to be considered for purposes of calculating the assessment shall include payments for temporary total disability, temporary partial disability, permanent total disability, and permanent partial**

1 **impairment, but shall exclude payments for medical payments. If the amount to the credit of the second injury**  
 2 **fund as of April 1 of any year exceeds five hundred thousand dollars (\$500,000); the payments of one percent (1%)**  
 3 **shall not be assessed or collected during the ensuing year. But when on April 1 of any year the amount to the credit**  
 4 **of the fund is less than five hundred thousand dollars (\$500,000); the payments of one percent (1%) of the total**  
 5 **amount of all worker's compensation paid to injured employees or their beneficiaries under IC 22-3-2 through**  
 6 **IC 22-3-6 for the calendar year next preceding that date shall be resumed and paid into such fund:**

7 (c) The sums shall be paid by the worker's compensation board to the treasurer of state, to be deposited in a  
 8 special account known as the second injury fund. The funds are not a part of the general fund of the state. Any  
 9 balance remaining in the account at the end of any fiscal year shall not revert to the general fund. The funds shall  
 10 be used only for the payment of awards of compensation and expense of medical examinations or treatment made  
 11 and ordered by the board and chargeable against the fund pursuant to this section, and shall be paid for that purpose  
 12 by the treasurer of state upon award or order of the board.

13 (d) If an employee who is entitled to compensation under IC 22-3-2 through IC 22-3-6 either:

14 (1) exhausts the maximum benefits under section 22 of this chapter without having received the full amount  
 15 of award granted to the employee under section 10 of this chapter; or

16 (2) exhausts the employee's benefits under section 10 of this chapter;

17 then such employee may apply to the worker's compensation board, who may award the employee compensation  
 18 from the second injury fund established by this section, as follows under subsection (e).

19 (e) An employee who has exhausted the employee's maximum benefits under section 10 of this chapter may  
 20 be awarded additional compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average  
 21 weekly wage at the time of the employee's injury, not to exceed the maximum then applicable under section 22 of  
 22 this chapter, for a period of not to exceed ~~one hundred fifty (150) weeks~~ **one hundred fifty-six (156) weeks** upon  
 23 competent evidence sufficient to establish:

24 (1) that the employee is totally and permanently disabled from causes and conditions of which there are or  
 25 have been objective conditions and symptoms proven that are not within the physical or mental control of  
 26 the employee; and

27 (2) that the employee is unable to support the employee in any gainful employment, not associated with  
 28 rehabilitative or vocational therapy.

29 (f) The additional award may be renewed during the employee's total and permanent disability after appropriate  
 30 hearings by the worker's compensation board for successive periods not to exceed ~~one hundred fifty (150) weeks~~  
 31 **one hundred fifty-six (156) weeks** each. The provisions of this section apply only to injuries occurring subsequent  
 32 to April 1, 1950, for which awards have been or are in the future made by the worker's compensation board under  
 33 section 10 of this chapter. Section 16 of this chapter does not apply to compensation awarded from the second injury  
 34 fund under this section.

35 SECTION 108. IC 22-3-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.  
 36 22. (a) In computing the compensation under this law with respect to injuries occurring on and after April 1, 1963,  
 37 and prior to April 1, 1965, the average weekly wages shall be considered to be not more than seventy dollars (\$70)  
 38 nor less than thirty dollars (\$30). In computing the compensation under this law with respect to injuries occurring  
 39 on and after April 1, 1965, and prior to April 1, 1967, the average weekly wages shall be considered to be not more  
 40 than seventy-five dollars (\$75) and not less than thirty dollars (\$30). In computing the compensation under this law  
 41 with respect to injuries occurring on and after April 1, 1967, and prior to April 1, 1969, the average weekly wages  
 42 shall be considered to be not more than eighty-five dollars (\$85) and not less than thirty-five dollars (\$35). In  
 43 computing the compensation under this law with respect to injuries occurring on and after April 1, 1969, and prior  
 44 to July 1, 1971, the average weekly wages shall be considered to be not more than ninety-five dollars (\$95) and not  
 45 less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring  
 46 on and after July 1, 1971, and prior to July 1, 1974, the average weekly wages shall be considered to be: (A) Not  
 47 more than: (1) one hundred dollars (\$100) if no dependents; (2) one hundred five dollars (\$105) if one (1)  
 48 dependent; (3) one hundred ten dollars (\$110) if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three  
 49 (3) dependents; (5) one hundred twenty dollars (\$120) if four (4) dependents; and (6) one hundred twenty-five  
 50 dollars (\$125) if five (5) or more dependents; and (B) Not less than thirty-five dollars (\$35). In computing

1 compensation for temporary total disability, temporary partial disability, and total permanent disability under this  
 2 law with respect to injuries occurring on and after July 1, 1974, and before July 1, 1976, the average weekly wages  
 3 shall be considered to be (A) not more than one hundred thirty-five dollars (\$135), and (B) not less than seventy-five  
 4 dollars (\$75). However, the weekly compensation payable shall in no case exceed the average weekly wages of the  
 5 employee at the time of the injury. In computing compensation for temporary total disability, temporary partial  
 6 disability and total permanent disability under this law with respect to injuries occurring on and after July 1, 1976,  
 7 and before July 1, 1977, the average weekly wages shall be considered to be (1) not more than one hundred fifty-six  
 8 dollars (\$156) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall  
 9 not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for  
 10 temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries  
 11 occurring on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be (1) not  
 12 more than one hundred eighty dollars (\$180); and (2) not less than seventy-five dollars (\$75). However, the weekly  
 13 compensation payable may not exceed the average weekly wages of the employee at the time of the injury. In  
 14 computing compensation for temporary total disability, temporary partial disability, and total permanent disability,  
 15 with respect to injuries occurring on and after July 1, 1979, and before July 1, 1980, the average weekly wages are  
 16 considered to be (1) not more than one hundred ninety-five dollars (\$195), and (2) not less than seventy-five dollars  
 17 (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at  
 18 the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and  
 19 total permanent disability, with respect to injuries occurring on and after July 1, 1980, and before July 1, 1983, the  
 20 average weekly wages are considered to be (1) not more than two hundred ten dollars (\$210), and (2) not less than  
 21 seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages  
 22 of the employee at the time of the injury. In computing compensation for temporary total disability, temporary  
 23 partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1983, and  
 24 before July 1, 1984, the average weekly wages are considered to be (1) not more than two hundred thirty-four dollars  
 25 (\$234) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed  
 26 the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total  
 27 disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after  
 28 July 1, 1984, and before July 1, 1985, the average weekly wages are considered to be (1) not more than two hundred  
 29 forty-nine dollars (\$249) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation  
 30 payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing  
 31 compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect  
 32 to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered  
 33 to be (1) not more than two hundred sixty-seven dollars (\$267) and (2) not less than seventy-five dollars (\$75).  
 34 However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time  
 35 of the injury. In computing compensation for temporary total disability, temporary partial disability, and total  
 36 permanent disability, with respect to injuries occurring on and after July 1, 1986, and before July 1, 1988, the  
 37 average weekly wages are considered to be (1) not more than two hundred eighty-five dollars (\$285) and (2) not  
 38 less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average  
 39 weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability,  
 40 temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1,  
 41 1988, and before July 1, 1989, the average weekly wages are considered to be (1) not more than three hundred  
 42 eighty-four dollars (\$384) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation  
 43 payable shall not exceed the average weekly wages of the employee at the time of the injury.

44 In computing compensation for temporary total disability, temporary partial disability, and total permanent  
 45 disability, with respect to injuries occurring on and after July 1, 1989, and before July 1, 1990, the average weekly  
 46 wages are considered to be (1) not more than four hundred eleven dollars (\$411) and (2) not less than seventy-five  
 47 dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the  
 48 employee at the time of the injury.

49 In computing compensation for temporary total disability, temporary partial disability, and total permanent  
 50 disability, with respect to injuries occurring on and after July 1, 1990, and before July 1, 1991, the average weekly

wages are considered to be (1) not more than four hundred forty-one dollars (\$441) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be (1) not more than four hundred ninety-two dollars (\$492) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be (1) not more than five hundred forty dollars (\$540) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be (1) not more than five hundred ninety-one dollars (\$591) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be (1) not more than six hundred forty-two dollars (\$642) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

(1) with respect to injuries occurring on and after July 1, 1997, and before July 1, 1998:

(A) not more than six hundred seventy-two dollars (\$672); and

(B) not less than seventy-five dollars (\$75);

(2) with respect to injuries occurring on and after July 1, 1998, and before July 1, 1999:

(A) not more than seven hundred two dollars (\$702); and

(B) not less than seventy-five dollars (\$75);

(3) with respect to injuries occurring on and after July 1, 1999, and before July 1, 2000:

(A) not more than seven hundred thirty-two dollars (\$732); and

(B) not less than seventy-five dollars (\$75); ~~and~~

(4) with respect to injuries occurring on and after July 1, 2000, **and before July 1, 2001:**

(A) not more than seven hundred sixty-two dollars (\$762); and

(B) not less than seventy-five dollars (\$75);

**(5) with respect to injuries occurring on and after July 1, 2001, and before July 1, 2002:**

**(A) not more than eight hundred seven dollars (\$807); and**

**(B) not less than seventy-five dollars (\$75); and**

**(6) with respect to injuries occurring on and after July 1, 2002:**

**(A) not more than eight hundred forty dollars (\$840); and**

**(B) not less than seventy-five dollars (\$75).**

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) For the purpose of this section only and with respect to injuries occurring on and after July 1, 1971, and prior to July 1, 1974, only, the term "dependent" as used in this section shall mean persons defined as presumptive dependents under section 19 of this chapter, except that such dependency shall be determined as of the date of the injury to the employee.

(d) With respect to any injury occurring on and after April 1, 1955, and prior to April 1, 1957, the maximum

1 compensation exclusive of medical benefits, which shall be paid for an injury under any provisions of this law or  
 2 under any combination of its provisions shall not exceed twelve thousand five hundred dollars (\$12,500) in any  
 3 case. With respect to any injury occurring on and after April 1, 1957 and prior to April 1, 1963, the maximum  
 4 compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or  
 5 under any combination of its provisions shall not exceed fifteen thousand dollars (\$15,000) in any case. With respect  
 6 to any injury occurring on and after April 1, 1963, and prior to April 1, 1965, the maximum compensation exclusive  
 7 of medical benefits, which shall be paid for an injury under any provision of this law or under any combination of  
 8 its provisions shall not exceed sixteen thousand five hundred dollars (\$16,500) in any case. With respect to any  
 9 injury occurring on and after April 1, 1965, and prior to April 1, 1967, the maximum compensation exclusive of  
 10 medical benefits which shall be paid for any injury under any provision of this law or any combination of provisions  
 11 shall not exceed twenty thousand dollars (\$20,000) in any case. With respect to any injury occurring on and after  
 12 April 1, 1967, and prior to July 1, 1971, the maximum compensation exclusive of medical benefits which shall be  
 13 paid for an injury under any provision of this law or any combination of provisions shall not exceed twenty-five  
 14 thousand dollars (\$25,000) in any case. With respect to any injury occurring on and after July 1, 1971, and prior  
 15 to July 1, 1974, the maximum compensation exclusive of medical benefits which shall be paid for any injury under  
 16 any provision of this law or any combination of provisions shall not exceed thirty thousand dollars (\$30,000) in any  
 17 case. With respect to any injury occurring on and after July 1, 1974, and before July 1, 1976, the maximum  
 18 compensation exclusive of medical benefits which shall be paid for an injury under any provision of this law or any  
 19 combination of provisions shall not exceed forty-five thousand dollars (\$45,000) in any case. With respect to an  
 20 injury occurring on and after July 1, 1976, and before July 1, 1977, the maximum compensation, exclusive of  
 21 medical benefits, which shall be paid for any injury under any provision of this law or any combination of provisions  
 22 shall not exceed fifty-two thousand dollars (\$52,000) in any case. With respect to any injury occurring on and after  
 23 July 1, 1977, and before July 1, 1979, the maximum compensation, exclusive of medical benefits, which may be  
 24 paid for an injury under any provision of this law or any combination of provisions may not exceed sixty thousand  
 25 dollars (\$60,000) in any case. With respect to any injury occurring on and after July 1, 1979, and before July 1,  
 26 1980, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any  
 27 provisions of this law or any combination of provisions may not exceed sixty-five thousand dollars (\$65,000) in any  
 28 case. With respect to any injury occurring on and after July 1, 1980, and before July 1, 1983, the maximum  
 29 compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or  
 30 any combination of provisions may not exceed seventy thousand dollars (\$70,000) in any case. With respect to any  
 31 injury occurring on and after July 1, 1983, and before July 1, 1984, the maximum compensation, exclusive of  
 32 medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions  
 33 may not exceed seventy-eight thousand dollars (\$78,000) in any case. With respect to any injury occurring on and  
 34 after July 1, 1984, and before July 1, 1985, the maximum compensation, exclusive of medical benefits, which may  
 35 be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-three  
 36 thousand dollars (\$83,000) in any case. With respect to any injury occurring on and after July 1, 1985, and before  
 37 July 1, 1986, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any  
 38 provisions of this law or any combination of provisions may not exceed eighty-nine thousand dollars (\$89,000) in  
 39 any case. With respect to any injury occurring on and after July 1, 1986, and before July 1, 1988, the maximum  
 40 compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or  
 41 any combination of provisions may not exceed ninety-five thousand dollars (\$95,000) in any case. With respect to  
 42 any injury occurring on and after July 1, 1988, and before July 1, 1989, the maximum compensation, exclusive of  
 43 medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions  
 44 may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

45 With respect to any injury occurring on and after July 1, 1989, and before July 1, 1990, the maximum  
 46 compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or  
 47 any combination of provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

48 With respect to any injury occurring on and after July 1, 1990, and before July 1, 1991, the maximum  
 49 compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or  
 50 any combination of provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

1 With respect to any injury occurring on and after July 1, 1991, and before July 1, 1992, the maximum  
 2 compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any  
 3 combination of provisions may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

4 With respect to any injury occurring on and after July 1, 1992, and before July 1, 1993, the maximum  
 5 compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any  
 6 combination of provisions may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

7 With respect to any injury occurring on and after July 1, 1993, and before July 1, 1994, the maximum  
 8 compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any  
 9 combination of provisions may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

10 With respect to any injury occurring on and after July 1, 1994, and before July 1, 1997, the maximum  
 11 compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or  
 12 any combination of provisions may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

13 (e) The maximum compensation, exclusive of medical benefits, that may be paid for an injury under any  
 14 provision of this law or any combination of provisions may not exceed the following amounts in any case:

15 (1) With respect to an injury occurring on and after July 1, 1997, and before July 1, 1998, two hundred  
 16 twenty-four thousand dollars (\$224,000).

17 (2) With respect to an injury occurring on and after July 1, 1998, and before July 1, 1999, two hundred  
 18 thirty-four thousand dollars (\$234,000).

19 (3) With respect to an injury occurring on and after July 1, 1999, and before July 1, 2000, two hundred  
 20 forty-four thousand dollars (\$244,000).

21 (4) With respect to an injury occurring on and after July 1, 2000, **and before July 1, 2001**, two hundred  
 22 fifty-four thousand dollars (\$254,000).

23 **(5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two**  
 24 **hundred sixty-nine thousand dollars (\$269,000).**

25 **(6) With respect to an injury occurring on and after July 1, 2002, two hundred eighty thousand**  
 26 **dollars (\$280,000).**

27 SECTION 109. IC 22-3-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.  
 28 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only  
 29 temporary total disability to work or temporary partial disability to work beginning with the eighth day of such  
 30 disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed  
 31 for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation  
 32 for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from  
 33 the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall  
 34 tender to the employee or to the employee's dependents, with all compensation due, a properly prepared  
 35 compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance  
 36 carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's  
 37 insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed  
 38 by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed  
 39 disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board  
 40 may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance  
 41 carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts  
 42 or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30)  
 43 days of additional time may be approved by the worker's compensation board upon the filing of a petition by the  
 44 employer or the employer's insurance carrier that sets forth:

45 (1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty  
 46 (60) days;

47 (2) the status of the investigation on the date the petition is filed;

48 (3) the facts or circumstances that are necessary to make a determination; and

49 (4) a timetable for the completion of the remaining investigation.

50 An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed

1 and collected by the board upon notice and hearing. Civil penalties collected under this section shall be deposited  
2 in the state general fund.

3 (b) Once begun, temporary total disability benefits may not be terminated by the employer unless:

4 (1) the employee has returned to work;

5 (2) the employee has died;

6 (3) the employee has refused to undergo a medical examination under section 20 of this chapter;

7 (4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been  
8 paid the maximum compensation allowable under section 19 of this chapter; or

9 (5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease.

10 In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment  
11 of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board.  
12 If the employee disagrees with the proposed termination, the employee must give written notice of disagreement  
13 to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the  
14 board and employer do not receive a notice of disagreement under this section, the employee's temporary total  
15 disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately  
16 contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board  
17 is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall  
18 immediately arrange for an evaluation of the employee by an independent medical examiner. The independent  
19 medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree,  
20 appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is  
21 no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has  
22 made available to the employee, or if the employee fails or refuses to appear for examination by the independent  
23 medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion  
24 of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this  
25 chapter.

26 (c) An employer is not required to continue the payment of temporary total disability benefits for more than  
27 fourteen (14) days after the employer's proposed termination date unless the independent medical examiner  
28 determines that the employee is temporarily disabled and unable to return to any employment that the employer has  
29 made available to the employee.

30 (d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the  
31 overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits  
32 due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall  
33 be responsible for paying any overpayment which cannot be deducted from benefits due the employee.

34 (e) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease  
35 resulting in temporary total disability for any work, there shall be paid to the disabled employee during such  
36 temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly  
37 wages for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7)  
38 calendar days only if the disability continues for longer than twenty-eight (28) days.

39 For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease  
40 resulting in temporary total disability for any work, there shall be paid to the disabled employee during such  
41 temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly  
42 wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation  
43 shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28)  
44 days.

45 For disablements occurring on and after July 1, 1974, and before July 1, 1976, from occupational disease  
46 resulting in temporary total disability for any work, there shall be paid to the disabled employee during such  
47 temporary total disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the  
48 employee's average weekly wages, up to one hundred thirty-five dollars (\$135) average weekly wages, as defined  
49 in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed  
50 for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

1 For disablements occurring on and after July 1, 1976, from occupational disease resulting in temporary total  
2 disability for any work, there shall be paid to the disabled employee during the temporary total disability weekly  
3 compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages, as  
4 defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be  
5 allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

6 (f) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease  
7 resulting in temporary partial disability for work, there shall be paid to the disabled employee during such disability  
8 a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages  
9 and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed  
10 three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability  
11 continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total  
12 disability, the later period shall be included as part of the maximum period allowed for partial disability.

13 For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease  
14 resulting in temporary partial disability for work, there shall be paid to the disabled employee during such disability  
15 a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly  
16 wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed  
17 after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the  
18 first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial  
19 disability after the period of temporary total disability, the latter period shall be included as a part of the maximum  
20 period allowed for partial disability.

21 For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial  
22 disability for work, there shall be paid to the disabled employee during such disability a weekly compensation equal  
23 to sixty-six and two-thirds percent (66 2/3%) of the difference between the employee's average weekly wages, as  
24 defined in section 19 of this chapter, and the weekly wages at which he is actually employed after the disablement,  
25 for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar  
26 days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period  
27 of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial  
28 disability.

29 (g) For disabilities occurring on and after April 1, 1951, and prior to April 1, 1955, from occupational disease  
30 in the following schedule, the employee shall receive in lieu of all other compensation, on account of such  
31 disabilities, a weekly compensation of sixty percent (60%) of the employee's average weekly wage; for disabilities  
32 occurring on and after April 1, 1955, and prior to July 1, 1971, from occupational disease in the following schedule,  
33 the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said  
34 occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages.

35 For disabilities occurring on and after July 1, 1971, and before July 1, 1977, from occupational disease in the  
36 following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks  
37 on account of said occupational disease a weekly compensation of sixty percent (60%) of his average weekly wages  
38 not to exceed one hundred dollars (\$100) average weekly wages, for the period stated for such disabilities  
39 respectively.

40 For disabilities occurring on and after July 1, 1977, and before July 1, 1979, from occupational disease in the  
41 following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks  
42 on account of the occupational disease a weekly compensation of sixty percent (60%) of the employee's average  
43 weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated  
44 for the disabilities.

45 For disabilities occurring on and after July 1, 1979, and before July 1, 1988, from occupational disease in the  
46 following schedule, the employee shall receive in addition to disability benefits, not exceeding fifty-two (52) weeks  
47 on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average  
48 weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated  
49 for the disabilities.

50 For disabilities occurring on and after July 1, 1988, and before July 1, 1989, from occupational disease in the

following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the disabilities.

For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.

For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (1/2) the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) Loss of Use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange and the compensation shall be paid for the same period as for the loss thereof by separation.

(3) Partial Loss of Use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(4) For disablements for occupational disease resulting in total permanent disability, five hundred (500) weeks.

(5) For the loss of both hands, or both feet, or the total sight of both eyes, or any two (2) of such losses resulting from the same disablement by occupational disease, five hundred (500) weeks.

(6) For the permanent and complete loss of vision by enucleation of an eye or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(7) For the permanent and complete loss of hearing, two hundred (200) weeks.

(8) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

With respect to disablements in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (h) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, (10) ten degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (3), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (4), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(h) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection (d) and the following:

(1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to disablements occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one

thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, **and before July 1, 2000**, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, **and before July 1, 2001**, for each degree of permanent impairment from one (1) to ten (10), **nine hundred fifty dollars (\$950) per degree**; for each degree of permanent impairment from eleven (11) to thirty-five (35), **one thousand four hundred fifty dollars (\$1,450) per degree**; for each degree of permanent impairment from thirty-six (36) to fifty (50), **two thousand dollars (\$2,000) per degree**; for each degree of permanent impairment above fifty (50), **two thousand six hundred dollars (\$2,600) per degree**.

(8) With respect to disablements occurring on and after July 1, 2001, **and before July 1, 2002**, for each degree of permanent impairment from one (1) to ten (10), **one thousand dollars (\$1,000) per degree**; for each degree of permanent impairment from eleven (11) to thirty-five (35), **one thousand eight hundred fifty dollars (\$1,850) per degree**; for each degree of permanent impairment from thirty-six (36) to fifty (50), **two thousand seven hundred dollars (\$2,700) per degree**; for each degree of permanent impairment above fifty (50), **three thousand four hundred dollars (\$3,400) per degree**.

(9) With respect to disablements occurring on and after July 1, 2002, for each degree of permanent impairment from one (1) to ten (10), **one thousand fifty dollars (\$1,050) per degree**; for each degree of permanent impairment from eleven (11) to thirty-five (35), **two thousand four hundred dollars (\$2,400) per degree**; for each degree of permanent impairment from thirty-six (36) to fifty (50), **three thousand five hundred dollars (\$3,500) per degree**; for each degree of permanent impairment above fifty (50), **four thousand four hundred dollars (\$4,400) per degree**.

(i) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (g) and (h) shall not exceed the following:

(1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to disablements occurring on or after July 1, 2000, **and before July 1, 2001**, seven hundred sixty-two dollars (\$762).

(9) With respect to disablements occurring on or after July 1, 2001, **and before July 1, 2002**, **eight hundred seven dollars (\$807)**.

(10) With respect to disablements occurring on or after July 1, 2002, **eight hundred forty dollars (\$840)**.

(j) If any employee, only partially disabled, refuses employment suitable to his capacity procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting

1 forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's  
2 compensation board.

3 (k) If an employee has sustained a permanent impairment or disability from an accidental injury other than an  
4 occupational disease in another employment than that in which he suffered a subsequent disability from an  
5 occupational disease, such as herein specified, the employee shall be entitled to compensation for the subsequent  
6 disability in the same amount as if the previous impairment or disability had not occurred. However, if the  
7 permanent impairment or disability resulting from an occupational disease for which compensation is claimed  
8 results only in the aggravation or increase of a previously sustained permanent impairment from an occupational  
9 disease or physical condition regardless of the source or cause of such previously sustained impairment from an  
10 occupational disease or physical condition, the board shall determine the extent of the previously sustained  
11 permanent impairment from an occupational disease or physical condition as well as the extent of the aggravation  
12 or increase resulting from the subsequent permanent impairment or disability, and shall award compensation only  
13 for that part of said occupational disease or physical condition resulting from the subsequent permanent impairment.  
14 An amputation of any part of the body or loss of any or all of the vision of one (1) or both eyes caused by an  
15 occupational disease shall be considered as a permanent impairment or physical condition.

16 (l) If an employee suffers a disablement from occupational disease for which compensation is payable while  
17 the employee is still receiving or entitled to compensation for a previous injury by accident or disability by  
18 occupational disease in the same employment, he shall not at the same time be entitled to compensation for both,  
19 unless it be for a permanent injury, such as specified in subsection (g)(1), (g)(2), (g)(3), (g)(6), or (g)(7); but the  
20 employee shall be entitled to compensation for that disability and from the time of that disability which will cover  
21 the longest period and the largest amount payable under this chapter.

22 (m) If an employee receives a permanent disability from occupational disease such as specified in subsection  
23 (g)(1), (g)(2), (g)(3), (g)(6), or (g)(7), after having sustained another such permanent disability in the same  
24 employment the employee shall be entitled to compensation for both such disabilities, but the total compensation  
25 shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such  
26 previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent  
27 total impairment, compensation shall be payable for such permanent total disability or impairment, but payments  
28 made for the previous disability or impairment shall be deducted from the total payment of compensation due.

29 (n) When an employee has been awarded or is entitled to an award of compensation for a definite period under  
30 this chapter for disability from occupational disease, which disablement occurs on and after April 1, 1951, and prior  
31 to April 1, 1963, and such employee dies from any other cause than such occupational disease, payment of the  
32 unpaid balance of such compensation, not exceeding three hundred (300) weeks, shall be made to the employee's  
33 dependents of the second and third class as defined in sections 11 through 14 of this chapter, and compensation,  
34 not exceeding five hundred (500) weeks, shall be made to the employee's dependents of the first class as defined  
35 in sections 11 through 14 of this chapter. When an employee has been awarded or is entitled to an award of  
36 compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1,  
37 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance  
38 of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of  
39 the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five  
40 hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through  
41 14 of this chapter.

42 (o) Any payment made by the employer to the employee during the period of the employee's disability, or to  
43 the employee's dependents, which, by the terms of this chapter, was not due and payable when made, may, subject  
44 to the approval of the worker's compensation board, be deducted from the amount to be paid as compensation, but  
45 such deduction shall be made from the distal end of the period during which compensation must be paid, except  
46 in cases of temporary disability.

47 (p) When so provided in the compensation agreement or in the award of the worker's compensation board,  
48 compensation may be paid semimonthly, or monthly, instead of weekly.

49 (q) When the aggregate payments of compensation awarded by agreement or upon hearing to an employee or  
50 dependent under eighteen (18) years of age do not exceed one hundred dollars (\$100), the payment thereof may be

made directly to such employee or dependent, except when the worker's compensation board shall order otherwise.

Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

(r) If an employee, or a dependent, is mentally incompetent, or a minor at the time when any right or privilege accrues to the employee under this chapter, the employee's guardian or trustee may, in the employee's behalf, claim and exercise such right and privilege.

(s) All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee himself.

SECTION 110. IC 22-3-7-16.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: **Sec. 16.1. (a) Every insurance carrier insuring employers who are or may be liable under this article to pay compensation for disablement or death from occupational diseases of their employees under this article and every employer carrying the employer's own risk shall, within thirty (30) days of the board's mailing of notice that an assessment is necessary, pay to the worker's compensation board for the benefit of a fund to be known as the occupational diseases second injury fund. The payment shall not exceed three percent (3%) of the total amount of all payments under this chapter for occupational diseases paid to employees with occupational diseases or their beneficiaries under this chapter for the calendar year next preceding the due date of the payment. Compensation to be considered for purposes of calculating the assessment includes payments for occupational diseases paid to employees with occupational diseases or their beneficiaries under this chapter but excludes payments for medical payments.**

(b) The sums shall be paid by the worker's compensation board to the treasurer of state to be deposited in a special account known as the occupational diseases second injury fund. The funds are not part of the state general fund. Any balance remaining in the account at the end of any fiscal year does not revert to the state general fund. The funds shall be used only for the payment of awards of compensation and expense of medical examinations or treatment made and ordered by the board and chargeable against the occupational diseases second injury fund under this section and shall be paid for that purpose by the treasurer of state upon award or order of the board.

(c) If an employee who is entitled to compensation under this chapter either:

(1) exhausts the maximum benefits under section 19 of this chapter without having received the full amount of award granted to the employee under section 16 of this chapter; or

(2) exhausts the employee's benefits under section 16 of this chapter;

the employee may apply to the worker's compensation board, which may award the employee compensation from the occupational diseases second injury fund established by this section, as provided under subsection (d).

(d) An employee who has exhausted the employee's maximum benefits under section 10 of this chapter may be awarded additional compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage at the time of the employee's disablement from occupational disease, not to exceed the maximum then applicable under section 19 of this chapter for a period not to exceed one hundred fifty (150) weeks upon competent evidence sufficient to establish:

(1) that the employee is totally and permanently disabled from an occupational disease (as defined in section 10 of this chapter) of which there are or have been objective conditions and symptoms proven that are not within the physical or mental control of the employee; and

(2) that the employee is unable to support the employee in any gainful employment not associated with rehabilitative or vocational therapy.

(e) The additional award may be renewed during the employee's total and permanent disability after appropriate hearings by the worker's compensation board for successive periods not to exceed one hundred

1 **fifty (150) weeks each.**

2 SECTION 111. IC 22-3-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.  
3 17. (a) During the period of disablement, the employer shall furnish or cause to be furnished, free of charge to the  
4 employee, an attending physician for the treatment of his occupational disease, and in addition thereto such surgical,  
5 hospital, and nursing services and supplies as the attending physician or the worker's compensation board may deem  
6 necessary. If the employee is requested or required by the employer to submit to treatment outside the county of  
7 employment, ~~said the~~ employer shall also pay the reasonable expense of travel, food, and lodging necessary during  
8 the travel, but not to exceed the amount paid at the time of ~~said the~~ travel by the state of Indiana to its employees.

9 (b) During the period of disablement resulting from the occupational disease, the employer shall furnish such  
10 physician, services, and supplies, and the worker's compensation board may, on proper application of either party,  
11 require that treatment by such physician and such services and supplies be furnished by or on behalf of the employer  
12 as the board may deem reasonably necessary.

13 **(c) No representative of the employer or insurance carrier, including case managers or rehabilitation**  
14 **nurses, may be present at any treatment of an employee with an occupational disease without the express**  
15 **written consent of the employee and the treating medical personnel. At the time of any medical treatment**  
16 **that a representative of the employer wishes to attend, the representative of the employer shall inform the**  
17 **employee with an occupational disease and treating medical personnel that their written consent is required**  
18 **before the attendance of the employer's representative. The employee's compensation and benefits may not**  
19 **be jeopardized in any way due to the employer's failure or refusal to complete a written waiver allowing the**  
20 **attendance of the employer's representative. The employer's representative may not in any way cause the**  
21 **employee to believe that the employee's compensation and benefits will be terminated if the employee fails**  
22 **or refuses to complete a written waiver allowing the attendance of the employer's representative. The written**  
23 **waivers shall be executed on forms prescribed by the board.**

24 (d) After an employee's occupational disease has been adjudicated by agreement or award on the basis of  
25 permanent partial impairment and within the statutory period for review in such case as provided in section 27(i)  
26 of this chapter, the employer may continue to furnish a physician or a surgeon and other medical services and  
27 supplies, and the board may, within such statutory period for review as provided in section 27(i) of this chapter, on  
28 a proper application of either party, require that treatment by such physician or surgeon and such services and  
29 supplies be furnished by and on behalf of the employer as the board may deem necessary to limit or reduce the  
30 amount and extent of such impairment. The refusal of the employee to accept such services and supplies when so  
31 provided by or on behalf of the employer, shall bar the employee from all compensation otherwise payable during  
32 the period of such refusal and his right to prosecute any proceeding under this chapter shall be suspended and abated  
33 until such refusal ceases. The employee must be served with a notice setting forth the consequences of the refusal  
34 under this section. The notice must be in a form prescribed by the worker's compensation board. No compensation  
35 for permanent total impairment, permanent partial impairment, permanent disfigurement, or death shall be paid or  
36 payable for that part or portion of such impairment, disfigurement, or death which is the result of the failure of such  
37 employee to accept such treatment, services, and supplies, provided that an employer may at any time permit an  
38 employee to have treatment for his disease or injury by spiritual means or prayer in lieu of such physician, services,  
39 and supplies.

40 ~~(e)~~ (e) Regardless of when it occurs, where a compensable occupational disease results in the amputation of  
41 a body part, the enucleation of an eye, or the loss of natural teeth, the employer shall furnish an appropriate artificial  
42 member, braces, and prosthodontics. The cost of repairs to or replacements for the artificial members, braces, or  
43 prosthodontics that result from a compensable occupational disease pursuant to a prior award and are required due  
44 to either medical necessity or normal wear and tear, determined according to the employee's individual use, but not  
45 abuse, of the artificial member, braces, or prosthodontics, shall be paid from the second injury fund upon order or  
46 award of the worker's compensation board. The employee is not required to meet any other requirement for  
47 admission to the second injury fund.

48 ~~(d)~~ (f) If an emergency or because of the employer's failure to provide such attending physician or such  
49 surgical, hospital, or nurse's services and supplies or such treatment by spiritual means or prayer as specified in this  
50 section, or for other good reason, a physician other than that provided by the employer treats the diseased employee

1 within the period of disability, or necessary and proper surgical, hospital, or nurse's services and supplies are  
 2 procured within ~~said~~ the period, the reasonable cost of such services and supplies shall, subject to approval of the  
 3 worker's compensation board, be paid by the employer.

4 (e) (g) This section may not be construed to prohibit an agreement between an employer and employees that  
 5 has the approval of the board and that:

6 (1) binds the parties to medical care furnished by providers selected by agreement before or after  
 7 disablement; or

8 (2) makes the findings of a provider chosen in this manner binding upon the parties.

9 (f) (h) The employee and the employee's estate do not have liability to a health care provider for payment for  
 10 services obtained under this section. The right to order payment for all services provided under this chapter is solely  
 11 with the board. All claims by a health care provider for payment for services are against the employer and the  
 12 employer's insurance carrier, if any, and must be made with the board under this chapter.

13 SECTION 112. IC 22-3-7-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.  
 14 19. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent  
 15 disability under this law with respect to occupational diseases occurring:

16 (1) on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be:

17 (A) not more than one hundred thirty-five dollars (\$135); and

18 (B) not less than seventy-five dollars (\$75);

19 (2) on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be:

20 (A) not more than one hundred fifty-six dollars (\$156); and

21 (B) not less than seventy-five dollars (\$75);

22 (3) on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be:

23 (A) not more than one hundred eighty dollars (\$180); and

24 (B) not less than seventy-five dollars (\$75);

25 (4) on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be:

26 (A) not more than one hundred ninety-five dollars (\$195); and

27 (B) not less than seventy-five dollars (\$75);

28 (5) on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be:

29 (A) not more than two hundred ten dollars (\$210); and

30 (B) not less than seventy-five dollars (\$75);

31 (6) on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be:

32 (A) not more than two hundred thirty-four dollars (\$234); and

33 (B) not less than seventy-five dollars (\$75); and

34 (7) on and after July 1, 1984, and before July 1, 1985, the average weekly wages are considered to be:

35 (A) not more than two hundred forty-nine dollars (\$249); and

36 (B) not less than seventy-five dollars (\$75).

37 (b) In computing compensation for temporary total disability, temporary partial disability, and total permanent  
 38 disability, with respect to occupational diseases occurring on and after July 1, 1985, and before July 1, 1986, the  
 39 average weekly wages are considered to be:

40 (1) not more than two hundred sixty-seven dollars (\$267); and

41 (2) not less than seventy-five dollars (\$75).

42 (c) In computing compensation for temporary total disability, temporary partial disability, and total permanent  
 43 disability, with respect to occupational diseases occurring on and after July 1, 1986, and before July 1, 1988, the  
 44 average weekly wages are considered to be:

45 (1) not more than two hundred eighty-five dollars (\$285); and

46 (2) not less than seventy-five dollars (\$75).

47 (d) In computing compensation for temporary total disability, temporary partial disability, and total permanent  
 48 disability, with respect to occupational diseases occurring on and after July 1, 1988, and before July 1, 1989, the  
 49 average weekly wages are considered to be:

50 (1) not more than three hundred eighty-four dollars (\$384); and

(2) not less than seventy-five dollars (\$75).

(e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

(1) not more than four hundred eleven dollars (\$411); and

(2) not less than seventy-five dollars (\$75).

(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

(1) not more than four hundred forty-one dollars (\$441); and

(2) not less than seventy-five dollars (\$75).

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

(1) not more than four hundred ninety-two dollars (\$492); and

(2) not less than seventy-five dollars (\$75).

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

(1) not more than five hundred forty dollars (\$540); and

(2) not less than seventy-five dollars (\$75).

(i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

(1) not more than five hundred ninety-one dollars (\$591); and

(2) not less than seventy-five dollars (\$75).

(j) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

(1) not more than six hundred forty-two dollars (\$642); and

(2) not less than seventy-five dollars (\$75).

(k) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

(1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:

(A) not more than six hundred seventy-two dollars (\$672); and

(B) not less than seventy-five dollars (\$75);

(2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:

(A) not more than seven hundred two dollars (\$702); and

(B) not less than seventy-five dollars (\$75);

(3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

(A) not more than seven hundred thirty-two dollars (\$732); and

(B) not less than seventy-five dollars (\$75); and

(4) with respect to occupational diseases ~~occurring~~ occurring on and after July 1, 2000, and before July 1, 2001:

(A) not more than seven hundred sixty-two dollars (\$762); and

(B) not less than seventy-five dollars (\$75);

**(5) with respect to occupational diseases occurring on and after July 1, 2001, and before July 1, 2002:**

**(A) not more than eight hundred seven dollars (\$807); and**

**(B) not less than seventy-five dollars (\$75); and**

**(6) with respect to occupational diseases occurring on and after July 1, 2002:**

1           **(A) not more than eight hundred forty dollars (\$840); and**

2           **(B) not less than seventy-five dollars (\$75).**

3           (1) The maximum compensation that shall be paid for occupational disease and its results under any one (1)  
4 or more provisions of this chapter with respect to disability or death occurring:

5           (1) on and after July 1, 1974, and before July 1, 1976, shall not exceed forty-five thousand dollars (\$45,000)  
6 in any case;

7           (2) on and after July 1, 1976, and before July 1, 1977, shall not exceed fifty-two thousand dollars (\$52,000)  
8 in any case;

9           (3) on and after July 1, 1977, and before July 1, 1979, may not exceed sixty thousand dollars (\$60,000) in  
10 any case;

11           (4) on and after July 1, 1979, and before July 1, 1980, may not exceed sixty-five thousand dollars (\$65,000)  
12 in any case;

13           (5) on and after July 1, 1980, and before July 1, 1983, may not exceed seventy thousand dollars (\$70,000)  
14 in any case;

15           (6) on and after July 1, 1983, and before July 1, 1984, may not exceed seventy-eight thousand dollars  
16 (\$78,000) in any case; and

17           (7) on and after July 1, 1984, and before July 1, 1985, may not exceed eighty-three thousand dollars  
18 (\$83,000) in any case.

19           (m) The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and  
20 before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this  
21 chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any  
22 case. The maximum compensation with respect to disability or death occurring on and after July 1, 1986, and before  
23 July 1, 1988, which shall be paid for occupational disease and the results thereof under the provisions of this chapter  
24 or under any combination of its provisions may not exceed ninety-five thousand dollars (\$95,000) in any case. The  
25 maximum compensation with respect to disability or death occurring on and after July 1, 1988, and before July 1,  
26 1989, that shall be paid for occupational disease and the results thereof under this chapter or under any combination  
27 of its provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

28           (n) The maximum compensation with respect to disability or death occurring on and after July 1, 1989, and  
29 before July 1, 1990, that shall be paid for occupational disease and the results thereof under this chapter or under  
30 any combination of its provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

31           (o) The maximum compensation with respect to disability or death occurring on and after July 1, 1990, and  
32 before July 1, 1991, that shall be paid for occupational disease and the results thereof under this chapter or under  
33 any combination of its provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

34           (p) The maximum compensation with respect to disability or death occurring on and after July 1, 1991, and  
35 before July 1, 1992, that shall be paid for occupational disease and the results thereof under this chapter or under  
36 any combination of the provisions of this chapter may not exceed one hundred sixty-four thousand dollars  
37 (\$164,000) in any case.

38           (q) The maximum compensation with respect to disability or death occurring on and after July 1, 1992, and  
39 before July 1, 1993, that shall be paid for occupational disease and the results thereof under this chapter or under  
40 any combination of the provisions of this chapter may not exceed one hundred eighty thousand dollars (\$180,000)  
41 in any case.

42           (r) The maximum compensation with respect to disability or death occurring on and after July 1, 1993, and  
43 before July 1, 1994, that shall be paid for occupational disease and the results thereof under this chapter or under  
44 any combination of the provisions of this chapter may not exceed one hundred ninety-seven thousand dollars  
45 (\$197,000) in any case.

46           (s) The maximum compensation with respect to disability or death occurring on and after July 1, 1994, and  
47 before July 1, 1997, that shall be paid for occupational disease and the results thereof under this chapter or under  
48 any combination of the provisions of this chapter may not exceed two hundred fourteen thousand dollars (\$214,000)  
49 in any case.

50           (t) The maximum compensation that shall be paid for occupational disease and the results of an occupational

disease under this chapter or under any combination of the provisions of this chapter may not exceed the following amounts in any case:

(1) With respect to disability or death occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).

(2) With respect to disability or death occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to disability or death occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to disability or death occurring on and after July 1, 2000, **and before July 1, 2001**, two hundred fifty-four thousand dollars (\$254,000).

**(5) With respect to disability or death occurring on and after July 1, 2001, and before July 1, 2002, two hundred sixty-nine thousand dollars (\$269,000).**

**(6) With respect to disability or death occurring on and after July 1, 2002, two hundred eighty thousand dollars (\$280,000).**

(u) For all disabilities occurring before July 1, 1985, "average weekly wages" shall mean the earnings of the injured employee in the employment in which the employee was working at the time of the last exposure during the period of fifty-two (52) weeks immediately preceding the last day of the last exposure divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted. Where the employment prior to the last day of the last exposure extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which, during the fifty-two (52) weeks previous to the last day of the last exposure, was being earned by a person in the same grade employed at the same work by the same employer, or if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee in lieu of wages or a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(v) For all disabilities occurring on and after July 1, 1985, "average weekly wages" means the earnings of the injured employee during the period of fifty-two (52) weeks immediately preceding the disability divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts of weeks remaining after the time lost has been deducted. If employment before the date of disability extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts of weeks during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. If by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages for the employee, the employee's average weekly wages shall be considered to be the average weekly amount that, during the fifty-two (52) weeks before the date of disability, was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee instead of wages or a specified part of the wage contract, they shall be considered a part of the employee's earnings.

(w) The provisions of this article may not be construed to result in an award of benefits in which the number of weeks paid or to be paid for temporary total disability, temporary partial disability, or permanent total disability benefits combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person from applying for an award under IC 22-3-3-13. However, in case of permanent total disability resulting from a disablement occurring on or after January 1, 1998, the minimum total benefit shall not be less than seventy-five

1 thousand dollars (\$75,000).

2 SECTION 113. IC 22-3-7-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.  
 3 20. (a) After disablement and during the period of claimed resulting disability or impairment, the employee, if so  
 4 requested by the employee's employer or ordered by the worker's compensation board, shall submit to an  
 5 examination at reasonable times and places by a duly qualified physician or surgeon designated and paid by the  
 6 employer or by order of the board. The employee shall have the right to have present at any such examination any  
 7 duly qualified physician or surgeon provided and paid for by the employee. No fact communicated to or otherwise  
 8 learned by any physician or surgeon who may have attended or examined the employee, or who may have been  
 9 present at any examination, shall be privileged either in the hearings provided for in this chapter, or in any action  
 10 at law brought to recover damages against any employer who is subject to the compensation provisions of this  
 11 chapter. If the employee refuses to submit to, or in any way obstructs the examinations, the employee's right to  
 12 compensation and right to take or prosecute any proceedings under this chapter shall be suspended until the refusal  
 13 or obstruction ceases. No compensation shall at any time be payable for the period of suspension unless in the  
 14 opinion of the board, the circumstances justified the refusal or obstruction. The employee must be served with a  
 15 notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed  
 16 by the worker's compensation board.

17 (b) Any employer requesting an examination of any employee residing within Indiana shall pay, in advance  
 18 of the time fixed for the examination, sufficient money to defray the necessary expenses of travel by the most  
 19 convenient means to and from the place of examination, and the cost of meals and lodging necessary during the  
 20 travel. If the method of travel is by automobile, the mileage rate to be paid by the employer shall be the rate as  
 21 then currently being paid by the state to its employees under the state travel policies and procedures established by  
 22 the department of administration and approved by the state budget agency. If the examination or travel to or from  
 23 the place of examination causes any loss of working time on the part of the employee, the employer shall reimburse  
 24 the employee for the loss of wages upon the basis of such employee's average daily wage.

25 (c) When any employee injured in Indiana moves outside Indiana, the travel expense and the cost of meals and  
 26 lodging necessary during the travel, payable under this section, shall be paid from the point in Indiana nearest to  
 27 the employee's then residence to the place of examination. No travel and other expense shall be paid for any travel  
 28 and other expense required outside Indiana.

29 (d) A duly qualified physician or surgeon provided and paid for by the employee may be present at an  
 30 examination, if the employee so desires. In all cases, where the examination is made by a physician or surgeon  
 31 engaged by the employer and the disabled or injured employee has no physician or surgeon present at the  
 32 examination, it shall be the duty of the physician or surgeon making the examination to deliver to the injured  
 33 employee, or the employee's representative, a statement in writing of the conditions evidenced by such examination.  
 34 The statement shall disclose all facts that are reported by the physician or surgeon to the employer. This statement  
 35 shall be furnished to the employee or the employee's representative as soon as practicable, but not later than thirty  
 36 (30) days before the time the case is set for hearing. The statement may be submitted by either party as evidence  
 37 by that physician or surgeon at a hearing before the worker's compensation board if the statement meets the  
 38 requirements of subsection (f) (g). If the physician or surgeon fails or refuses to furnish the employee or the  
 39 employee's representative with such statement thirty (30) days before the hearing, then the statement may not be  
 40 submitted as evidence, and the physician shall not be permitted to testify before the worker's compensation board  
 41 as to any facts learned in the examination. All of the requirements of this subsection apply to all subsequent  
 42 examinations requested by the employer.

43 (e) **No representative of the employer or insurance carrier, including case managers or rehabilitation**  
 44 **nurses, may be present at any examination of an employee with an occupational disease without the express**  
 45 **written consent of the employee and the treating medical personnel. At the time of any medical examination**  
 46 **that a representative of the employer wishes to attend, the representative of the employer shall inform the**  
 47 **employee with an occupational disease and treating medical personnel that their written consent is required**  
 48 **before the attendance of the employer's representative. The employee's compensation and benefits may not**  
 49 **be jeopardized in any way due to the employer's failure or refusal to complete a written waiver allowing the**  
 50 **attendance of the employer's representative. The employer's representative may not in any way cause the**

1 **employee to believe that the employee's compensation and benefits will be terminated if the employee fails**  
 2 **or refuses to complete a written waiver allowing the attendance of the employer's representative. The written**  
 3 **waivers shall be executed on forms prescribed by the board.**

4 ~~(e)~~ (f) In all cases where an examination of an employee is made by a physician or surgeon engaged by the  
 5 employee, and the employer has no physician or surgeon present at such examination, it shall be the duty of the  
 6 physician or surgeon making the examination to deliver to the employer or the employer's representative a statement  
 7 in writing of the conditions evidenced by such examination. The statement shall disclose all the facts that are  
 8 reported by such physician or surgeon to the employee. The statement shall be furnished to the employer or the  
 9 employer's representative as soon as practicable, but not later than thirty (30) days before the time the case is set  
 10 for hearing. The statement may be submitted by either party as evidence by that physician or surgeon at a hearing  
 11 before the worker's compensation board if the statement meets the requirements of subsection ~~(f)~~ (g). If the  
 12 physician or surgeon fails or refuses to furnish the employer or the employer's representative with such statement  
 13 thirty (30) days before the hearing, then the statement may not be submitted as evidence, and the physician or  
 14 surgeon shall not be permitted to testify before the worker's compensation board as to any facts learned in such  
 15 examination. All of the requirements of this subsection apply to all subsequent examinations made by a physician  
 16 or surgeon engaged by the employee.

17 ~~(f)~~ (g) All statements of physicians or surgeons required by this section, whether those engaged by employee  
 18 or employer, shall contain the following information:

- 19 (1) The history of the injury, or claimed injury, as given by the patient.
- 20 (2) The diagnosis of the physician or surgeon concerning the patient's physical or mental condition.
- 21 (3) The opinion of the physician or surgeon concerning the causal relationship, if any, between the injury
- 22 and the patient's physical or mental condition, including the physician's or surgeon's reasons for the opinion.
- 23 (4) The opinion of the physician or surgeon concerning whether the injury or claimed injury resulted in a
- 24 disability or impairment and, if so, the opinion of the physician or surgeon concerning the extent of the
- 25 disability or impairment and the reasons for the opinion.
- 26 (5) The original signature of the physician or surgeon.

27 Notwithstanding any hearsay objection, the worker's compensation board shall admit into evidence a statement that  
 28 meets the requirements of this subsection unless the statement is ruled inadmissible on other grounds.

29 ~~(g)~~ (h) Delivery of any statement required by this section may be made to the attorney or agent of the employer  
 30 or employee and such an action shall be construed as delivery to the employer or employee.

31 ~~(h)~~ (i) Any party may object to a statement on the basis that the statement does not meet the requirements of  
 32 subsection ~~(e)~~ (f). The objecting party must give written notice to the party providing the statement and specify the  
 33 basis for the objection. Notice of the objection must be given no later than twenty (20) days before the hearing.  
 34 Failure to object as provided in this subsection precludes any further objection as to the adequacy of the statement  
 35 under subsection ~~(f)~~ (g).

36 ~~(i)~~ (j) The employer upon proper application, or the worker's compensation board, shall have the right in any  
 37 case of death to require an autopsy at the expense of the party requesting the same. If, after a hearing, the board  
 38 orders an autopsy and the autopsy is refused by the surviving spouse or next of kin, in this event any claim for  
 39 compensation on account of the death shall be suspended and abated during the refusal. The surviving spouse or  
 40 dependent must be served with a notice setting forth the consequences of the refusal under this subsection. The  
 41 notice must be in a form prescribed by the worker's compensation board. No autopsy, except one performed by or  
 42 on the authority or order of the coroner in discharge of the coroner's duties, shall be held in any case by any person  
 43 without notice first being given to the surviving spouse or next of kin, if they reside in Indiana or their whereabouts  
 44 can reasonably be ascertained, of the time and place thereof, and reasonable time and opportunity shall be given  
 45 such surviving spouse or next of kin to have a representative or representatives present to witness same. However,  
 46 if such notice is not given, all evidence obtained by the autopsy shall be suspended on motion duly made to the  
 47 board.

48 SECTION 114. IC 22-4-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.  
 49 12. "Base period" means the ~~first four (4) of the last five (5) four (4)~~ completed calendar quarters immediately  
 50 preceding the first day of an individual's benefit period. ~~Provided, However, That~~ for a claim computed in

1 accordance with IC 1971, 22-4-22, the base period shall be the base period as outlined in the paying state's law.

2 SECTION 115. IC 22-4-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.

3 (a) For calendar quarters beginning on and after April 1, 1979, and before April 1, 1984, "wage credits" means  
4 remuneration paid for employment by an employer to an individual. Wage credits may not exceed three thousand  
5 six hundred sixty-six dollars (\$3,666) and may not include payments specified in section 2(b) of this chapter.

6 (b) For calendar quarters beginning on and after April 1, 1984, and before April 1, 1985, "wage credits" means  
7 remuneration paid for employment by an employer to an individual. Wage credits may not exceed three thousand  
8 nine hundred twenty-six dollars (\$3,926) and may not include payments specified in section 2(b) of this chapter.

9 (c) For calendar quarters beginning on and after April 1, 1985, and before January 1, 1991, "wage credits"  
10 means remuneration paid for employment by an employer to an individual. Wage credits may not exceed four  
11 thousand one hundred eighty-six dollars (\$4,186) and may not include payments specified in section 2(b) of this  
12 chapter.

13 (d) For calendar quarters beginning on and after January 1, 1991, and before July 1, 1995, "wage credits"  
14 means remuneration paid for employment by an employer to an individual. Wage credits may not exceed four  
15 thousand eight hundred ten dollars (\$4,810) and may not include payments specified in section 2(b) of this chapter.

16 (e) For calendar quarters beginning on and after July 1, 1995, and before July 1, 1997, "wage credits" means  
17 remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities  
18 in accordance with Sections 3301 and 3102 et seq. of the Internal Revenue Code. Wage credits may not exceed five  
19 thousand dollars (\$5,000) and may not include payments specified in section 2(b) of this chapter.

20 (f) For calendar quarters beginning on and after July 1, 1997, and before July 1, 1998, "wage credits" means  
21 remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities  
22 in accordance with Sections 3301 and 3102 et seq. of the Internal Revenue Code. Wage credits may not exceed five  
23 thousand four hundred dollars (\$5,400) and may not include payments specified in section 2(b) of this chapter.

24 (g) For calendar quarters beginning on and after July 1, 1998, and before July 1, 1999, "wage credits" means  
25 remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities  
26 in accordance with Sections 3301 and 3102 et seq. of the Internal Revenue Code. Wage credits may not exceed five  
27 thousand six hundred dollars (\$5,600) and may not include payments that are excluded from the definition of wages  
28 under section 2(b) of this chapter.

29 (h) For calendar quarters beginning on and after July 1, 1999, **and before July 1, 2000**, "wage credits" means  
30 remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities  
31 in accordance with Sections 3301 and 3102 et seq. of the Internal Revenue Code. Wage credits may not exceed five  
32 thousand eight hundred dollars (\$5,800) and may not include payments that are excluded from the definition of  
33 wages under section 2(b) of this chapter.

34 **(i) For calendar quarters beginning on and after July 1, 2000, "wage credits" means remuneration paid**  
35 **for employment by an employer to an individual and remuneration received as tips or gratuities in**  
36 **accordance with Sections 3301 and 3102 et seq. of the Internal Revenue Code. Wage credits may not include**  
37 **payments that are excluded from the definition of wages under section 2(b) of this chapter and may not**  
38 **exceed the following:**

39 **(1) Seven thousand two hundred dollars (\$7,200) in a calendar quarter beginning on and after July**  
40 **1, 2000.**

41 **(2) Eight thousand six hundred dollars (\$8,600) in a calendar quarter beginning on and after July 1,**  
42 **2001.**

43 **(3) Ten thousand dollars (\$10,000) in a calendar quarter beginning on and after July 1, 2002.**

44 SECTION 116. IC 22-4-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.

45 4. (a) Benefits shall be computed upon the basis of wage credits of an individual in his base period. Wage credits  
46 shall be reported by the employer and credited to the individual in the manner prescribed by the board. With respect  
47 to initial claims filed for any week beginning on and after July 4, 1959, and before July 7, 1991, the maximum total  
48 amount of benefits payable to any eligible individual during any benefit period shall not exceed twenty-six (26)  
49 times his weekly benefit, or twenty-five percent (25%) of his wage credits with respect to his base period, whichever  
50 is the lesser.

(b) With respect to initial claims filed for any week beginning on and after July 7, 1991, and before July 1, 1999, the maximum total amount of benefits payable to any eligible individual during any benefit period shall not exceed twenty-six (26) times the individual's weekly benefit, or twenty-eight percent (28%) of the individual's wage credits with respect to the individual's base period, whichever is less. If such maximum total amount of benefits is not a multiple of one dollar (\$1), it shall be computed to the next lower multiple of one dollar (\$1).

(c) **With respect to initial claims filed for any week beginning on and after July 1, 1999, the maximum total amount of benefits payable to any eligible individual during any benefit period shall not exceed twenty-six (26) times the individual's weekly benefit, or thirty-two percent (32%) of the individual's wage credits with respect to the individual's base period, whichever is less. If the maximum total amount of benefits is not a multiple of one dollar (\$1), it shall be computed to the next lower multiple of one dollar (\$1).**

~~(b)~~ (d) The total extended benefit amount payable to any eligible individual with respect to his applicable benefit period shall be fifty percent (50%) of the total amount of regular benefits (including dependents' allowances) which were payable to him under this article in the applicable benefit year, or thirteen (13) times the weekly benefit amount (including dependents' allowances) which was payable to him under this article for a week of total unemployment in the applicable benefit year, whichever is the lesser amount.

~~(c)~~ (e) This subsection applies to individuals who file a disaster unemployment claim or a state unemployment insurance claim after June 1, 1990, and before June 2, 1991, or during another time specified in another state statute. An individual is entitled to thirteen (13) weeks of additional benefits, as originally determined, if:

(1) the individual has established:

(A) a disaster unemployment claim under the Stafford Disaster Relief and Emergency Assistance Act; or

(B) a state unemployment insurance claim as a direct result of a major disaster;

(2) all regular benefits and all disaster unemployment assistance benefits:

(A) have been exhausted by the individual; or

(B) are no longer payable to the individual due to the expiration of the disaster assistance period; and

(3) the individual remains unemployed as a direct result of the disaster.

SECTION 117. IC 22-4-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.

5. (a) As further conditions precedent to the payment of benefits to an individual with respect to benefit periods established on and after July 6, 1980, and before July 7, 1985:

(1) the individual must have established, after the last day of his last base period, if any, wage credits (as defined in IC 22-4-4-3) and within the meaning of IC 22-4-22-3 equal to at least one and one-quarter (1.25) times the wages paid to him in the calendar quarter in which his wages were highest; and

(2) the individual must have established wage credits in the last two (2) calendar quarters of his base period in a total amount of not less than nine hundred dollars (\$900) and an aggregate amount in the four (4) calendar quarters of his base period of not less than one thousand five hundred dollars (\$1,500).

(b) As further conditions precedent to the payment of benefits to an individual with respect to benefit periods established on and after July 7, 1985, and before January 1, 1992:

(1) the individual must have established, after the last day of the individual's last base period, if any, wage credits (as defined in IC 22-4-4-3 and within the meaning of IC 22-4-22-3) equal to at least one and one-half (1.5) times the wages paid to the individual in the calendar quarter in which the individual's wages were highest; and

(2) the individual must have established wage credits in the last two (2) calendar quarters of the individual's base period in a total amount of not less than one thousand five hundred dollars (\$1,500) and an aggregate amount in the four (4) calendar quarters of the individual's base period of not less than two thousand five hundred dollars (\$2,500).

(c) As further conditions precedent to the payment of benefits to an individual with respect to benefit periods established on and after January 1, 1992, and before July 1, 1995:

(1) the individual must have established, after the last day of the individual's last base period, if any, wage credits (as defined in IC 22-4-4-3 and within the meaning of IC 22-4-22-3) equal to at least one and one-quarter (1.25) times the wages paid to the individual in the calendar quarter in which the individual's

wages were highest; and

(2) the individual must have established wage credits in the last two (2) calendar quarters of the individual's base period in a total amount of not less than one thousand five hundred dollars (\$1,500) and an aggregate in the four (4) calendar quarters of the individual's base period of not less than two thousand five hundred dollars (\$2,500).

(d) As further conditions precedent to the payment of benefits to an individual with respect to benefit periods established on and after July 1, 1995, **and before July 1, 1999:**

(1) the individual must have established, after the last day of the individual's last base period, if any, wage credits (as defined in IC 22-4-4-3 and within the meaning of IC 22-4-22-3) equal to at least one and one-quarter (1.25) times the wages paid to the individual in the calendar quarter in which the individual's wages were highest; and

(2) the individual must have established wage credits in the last two (2) calendar quarters of the individual's base period in a total amount of not less than one thousand six hundred fifty dollars (\$1,650) and an aggregate in the four (4) calendar quarters of the individual's base period of not less than two thousand seven hundred fifty dollars (\$2,750).

(e) **As further conditions precedent to the payment of benefits to an individual with respect to benefit periods established on and after July 1, 1999:**

**(1) the individual must have established, after the last day of the individual's last base period, if any, wage credits (as defined in IC 22-4-4-3 and within the meaning of IC 22-4-22-3) equal to at least one and one-quarter (1.25) times the wages paid to the individual in the calendar quarter in which the individual's wages were highest; and**

**(2) the individual must have established wage credits in an aggregate in the four (4) calendar quarters of the individual's base period of not less than two thousand dollars (\$2,000).**

(f) As a further condition precedent to the payment of benefits to an individual with respect to a benefit year established on and after July 1, 1995, an insured worker may not receive benefits in a benefit year unless after the beginning of the immediately preceding benefit year during which the individual received benefits, the individual performed insured work and earned wages in employment under IC 22-4-8 in an amount not less than the individual's weekly benefit amount established for the individual in the preceding benefit year in each of eight (8) weeks.

SECTION 118. IC 22-4-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.

1. (a) With respect to benefit periods established on and after July 6, 1980, an individual who has voluntarily left his employment without good cause in connection with the work or who was discharged from his employment for just cause is ineligible for ~~waiting period or~~ benefit rights for the week in which the disqualifying separation occurred and until he has earned remuneration in employment equal to or exceeding the weekly benefit amount of his claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(b) ~~When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section; the maximum benefit amount of his current claim, as initially determined, shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction will be raised to the next higher even dollar amount. When twenty-five percent (25%) of the maximum benefit amount, as initially determined, exceeds the unpaid balance remaining in the claim; such reduction will be limited to the unpaid balance.~~

(c) The disqualifications provided in this section shall be subject to the following modifications:

(1) An individual shall not be subject to disqualification because of separation from his prior employment if:

(A) he left to accept with another employer previously secured permanent full-time work which offered reasonable expectation of betterment of wages or working conditions and thereafter was employed on said job for not less than ten (10) weeks;

(B) having been simultaneously employed by two (2) employers, he leaves one (1) such employer

voluntarily without good cause in connection with the work but remains in employment with the second employer with a reasonable expectation of continued employment; or

(C) he left to accept recall made by a base-period employer.

(2) An individual whose unemployment is the result of medically substantiated physical disability and who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation.

(3) An individual who left work to enter the armed forces of the United States shall not be subject to disqualification under this section for such leaving of work.

(4) An individual whose employment is terminated under the compulsory retirement provision of a collective bargaining agreement to which the employer is a party, or under any other plan, system, or program, public or private, providing for compulsory retirement and who is otherwise eligible shall not be deemed to have left his work voluntarily without good cause in connection with the work. However, if such individual subsequently becomes reemployed and thereafter voluntarily leaves work without good cause in connection with the work, he shall be deemed ineligible as outlined in this section.

(5) An otherwise eligible individual shall not be denied benefits for any week because he is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall the individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work. For purposes of this subdivision, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than eighty percent (80%) of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

(6) An individual is not subject to disqualification because of separation from the individual's prior employment if:

(A) the prior employment was outside the individual's labor market;

(B) the individual left to accept previously secured full-time work with an employer in the individual's labor market; and

(C) the individual actually became employed with the employer in the individual's labor market.

(7) An individual who, but for the voluntary separation to move to another labor market to join a spouse who had moved to that labor market, shall not be disqualified for that voluntary separation, if the individual is otherwise eligible for benefits. Benefits paid to the spouse whose eligibility is established under this subdivision shall not be charged against the employer from whom the spouse voluntarily separated.

As used in this subsection, "labor market" means the area surrounding an individual's permanent residence, outside which the individual cannot reasonably commute on a daily basis. In determining whether an individual can reasonably commute under this subdivision, the department shall consider the nature of the individual's job.

~~(d)~~ (c) "Discharge for just cause" as used in this section is defined to include but not be limited to:

(1) separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge;

(2) knowing violation of a reasonable and uniformly enforced rule of an employer;

(3) unsatisfactory attendance, if the individual cannot show good cause for absences or tardiness;

(4) damaging the employer's property through willful negligence;

(5) refusing to obey instructions;

(6) reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours;

(7) conduct endangering safety of self or coworkers; or

(8) incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction or for any breach of duty in connection with work which is reasonably owed an employer by an employee."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed March 26, 1999.)

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Senator HUME